

LAW OFFICE OF FRANK SORRENTINO

FRANK SORRENTINO, ESQ.

Nevada Bar No. 000421

BONNIE BOYCE, ESQ.

Nevada Bar No. 000870

1118 East Carson Avenue

Las Vegas, Nevada 89101

(702) 384-6824

Attorney for Debtor

E-Filed On: 11-25-2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re

CLYDE TOM

Debtor

Case No.: BK-S-09-19591-MKN
Chapter 13

Hearing Date: 12-09-2009
Hearing Time: 1:30 p.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, Debtor, CLYDE TOM, by and through his attorney, BONNIE BOYCE, ESQ., of the LAW OFFICE OF FRANK SORRENTINO, and respectfully requests this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by DEUTSCHE BANK NATIONAL TRUST COMPANY, by and through its attorney, GREGORY L. WILDE, ESQ. of WILDE & ASSOCIATES.

POINTS AND AUTHORITIES

11 USC Section 362(d)(1) states that the Court may terminate, modify or condition stay:

“for cause, including the lack of adequate protection of an interest in property of such party in interest;—“

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay:

“with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

STATEMENT OF FACT

Debtor's property is located at 1373 Santa Anita Drive, #C in Las Vegas, Nevada 89119. The property was valued at approximately \$ 87,102.00 at the time of filing. Debtor's home is necessary for an effective reorganization.

11 USC Section 362(d)(1) may apply as:

1. Debtor acknowledges that he was late on the post-petition mortgage payments.
2. Debtor's intentions are to stay current on future post-petition mortgage payments.
3. Debtor may provide funds prior to the hearing.

CONCLUSION

THEREFORE, Debtor requests that the Motion for Relief from Automatic Stay be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtor to become current on the post-petition mortgage arrearages and/or to Stipulate to an Order Re Adequate Protection.

DATED this 25th day of November, 2009.

LAW OFFICE OF FRANK SORRENTINO

/s/ Bonnie Boyce
By: _____
BONNIE BOYCE, ESQ.
Nevada Bar No. 000870
1118 East Carson Avenue
Las Vegas, Nevada 89101
Attorney for Debtor

CERTIFICATE OF MAILING

I, the undersigned, an employee of the Law Office of Frank Sorrentino, hereby
certify that on the 25th day of November, 2009, I deposited in the United States Mail,
first class mail, postage pre-paid, a true and correct copy of the **Opposition to Motion
For Relief From Automatic Stay** to all parties listed below:

Rick A. Yarnall
Chapter 13 Trustee
701 Bridger Avenue, # 820
Las Vegas, Nevada 89101

Gregory L. Wilde, Esq.
WILDE & ASSOCIATES
208 South Jones Boulevard
Las Vegas, Nevada 89107

Clyde Tom
1373 Santa Anita Drive, # C
Las Vegas, Nevada 89119

/s/ Angela P. Ballard
By _____
**An employee of the Law Office of
Frank Sorrentino**

** §362 INFORMATION SHEET **

Clyde Tom 09-19591-MKN
DEBTOR BK NO. MOTION NO.

Deutsche Bank National Trust 13
MOVANT Chapter

PROPERTY INVOLVED IN THIS MOTION: 1373 Santa Anita Drive, # C
Las Vegas, NV 89119

NOTICE SERVED ON:
DEBTOR(S) x; DEBTOR(S)' COUNSEL x TRUSTEE X

DATE OF SERVICE: _____

MOVING PARTY'S CONNECTIONS:

THE EXTENT and PRIORITY of LIENS:

1ST _____

2nd _____

3RD _____

4TH _____

OTHER _____

TOTAL ENCUMBRANCES: _____

APPRAISAL or OPINION as to VALUE:

TERMS of MOVANT'S CONTRACT
with the DEBTOR:

AMOUNT OF NOTE: \$ 105,000.00

INTEREST RATE: 6.99000%

DURATION: 30 years

PAYMENT PER MONTH: \$ 772.89

DATE OF DEFAULT: Aug. 1, 2009

AMOUNT IN ARREARS: \$ 2,790.79

DATE OF NOTICE -DEFAULT: _____

SPECIAL CIRCUMSTANCES:

* DEBTOR'S CONNECTIONS:

*

* THE EXTENT and PRIORITY of LIENS:

*

* 1st Deutsche Bank Nat. Trust

* (\$ 104,150.40)

* 2ND Specialized Loan Serv.

* (\$ 67,884.00)

* 3RD _____

*

* 4TH _____

*

* OTHER U.S. Treasury-Taxes

\$ 3,782.00

TOTAL ENCUMBRANCES: \$175,816.40

*

* APPRAISAL or OPINION as to VALUE:

* \$ 87,102.00

* DEBTOR'S OFFER OF "ADEQUATE
* PROTECTION" for MOVANT:

*

*

*

* Cure over 6 months

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*

* SPECIAL CIRCUMSTANCES:

*

*

* SUBMITTED BY:

* BONNIE BOYCE, ESQ.

* Signature: /S/Bonnie Boyce

Nevada Bar # 000870

* LAW OFFICE OF FRANK SORRENTINO

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